

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ONE COMMUNICATIONS CORP., as successor  
in interest to CTC COMMUNICATIONS GROUP,  
INC. and CTC COMMUNICATIONS ACQUISITION  
CORP.,

Plaintiff,

-v-

JP MORGAN SBIC LLC, et al.,

Defendants.

-----X  
STOCKHOLDER REPRESENTATIVE COMMITTEE,  
on behalf of certain former stockholders of  
Lightship Holding, Inc.

Plaintiff,

-v-

ONE COMMUNICATIONS CORP., as successor  
in interest to CTC COMMUNICATIONS GROUP,  
INC., and MELLON INVESTOR SERVICES LLC,

Defendants.

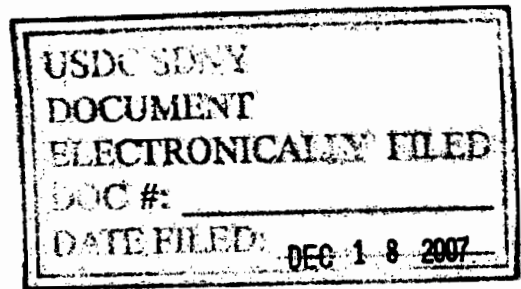
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LAURA TAYLOR SWAIN, UNITED STATES DISTRICT JUDGE

ORDER CONSOLIDATING CASES

The Court is in receipt of a joint proposal to consolidate the above-captioned cases for pretrial purposes.

Consolidation

Pursuant to Rule 42 of the Federal Rules of Civil Procedure, the Court may consolidate "actions involving a common question of law or fact." Fed. R. Civ. P. 42(a). The



No. 07 Civ. 3905 (LTS) (AJP)

No. 07 Civ. 5440 (LTS) (AJP)

Court is granted broad discretion in its determination of whether consolidation is appropriate.

Johnson v. Celotex Corp., 899 F.2d 1281, 1284-85 (2d Cir. 1990).

The Court finds that the above-captioned actions present common factual and legal issues, involve overlapping parties and will involve similar subject matter and similar issues. Accordingly, the Court finds that the actions should be consolidated, in the interests of judicial economy, for pretrial purposes. Therefore, it is hereby

ORDERED as follows:

#### A. CONSOLIDATION

1. The above-captioned actions are consolidated for pretrial purposes pursuant to Federal Rule of Civil Procedure 42(a). The consolidated cases shall be referred to collectively as In re One Communications Corp., Master File No. 07 Civ. 3905 (LTS)(AJP).

2. No action taken hereunder shall have the effect of making any person, firm or corporation a party to any action in which the person or entity has not been named, served, or added as such in accordance with the Federal Rules of Civil Procedure.

3. Unless otherwise stated in a particular filing, documents, if any, filed in Civil Action Number 07 Civ. 3905 shall also be deemed filed in Civil Action Number 07 Civ. 5440.

4. The Court's resolution of the pending Motions to Dismiss in Civil Action Number 07 Civ. 3905 (Docket Entry Nos. 49, 50, 57 under Civil Action Number 07 Civ. 3905), together with any

and all other rulings made by the Court in Civil Action Number 07 Civ. 3905, shall apply as appropriate equally to any and all parallel claims in Civil Action Number 07 Civ. 5440.

#### B. MASTER DOCKET AND SEPARATE ACTION DOCKETS

1. A Master Docket is hereby established for the consolidated proceedings in the actions consolidated herein and any other actions subsequently consolidated with them for pretrial purposes (the "Consolidated Actions"). Entries in said Master Docket shall be applicable to the Consolidated Actions, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

#### C. MASTER FILE AND SEPARATE ACTION FILES

1. A Master File is hereby established for the consolidated proceedings in the Consolidated Actions. The Master File shall be Civil Action No. 07 Civ. 3905 (LTS)(AJP). The original of this Order shall be docketed by the Clerk of Court in the Master File herein established.

2. The Clerk shall maintain a separate file for each of the Consolidated Actions, and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by Section E of this Order. The Clerk shall docket a copy of this Order in each such separate file. Once the Clerk has docketed this Order, counsel of record in each of the Consolidated Actions will receive a Notice of Electronic Filing.

#### D. CAPTIONS

1. Every pleading and other paper filed in the Consolidated Action, and in any separate action included therein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	X	
IN RE ONE COMMUNICATIONS :	:	
CORP. :	:	
:	:	
:	:	MASTER FILE
:	:	07 Civ. 3905 (LTS)(AJP)
:	:	
This Document Relates To: :	:	
:	:	
_____	X	

2. When a pleading is intended to be applicable to all actions to which this Order applies, the words "Both Actions" shall appear immediately after the words "This Document Relates To:" in the caption. When a pleading is intended to apply to only one of the actions, the docket number for the individual action to which it is intended to apply and the name of the plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption.

#### E. FILING AND DOCKETING PAPERS

1. When a pleading or other paper is filed, the parties shall electronically or manually file such paper pursuant to this Court's Guidelines and Amended Instructions for Electronic Case Filing.
  - (a) When a pleading or other paper is electronically filed and the caption, pursuant to this Order, shows that it is applicable to "Both Actions," the parties shall electronically file

such paper in the Master File only. Docket entries shall not be made to each separate action.

If the caption shows that it is applicable to fewer than "Both Actions," the parties shall electronically file such paper in the Master File and electronically file such paper to the action to which it applies.

(b) When a pleading or other paper is manually filed and the caption, pursuant to this Order, shows that it is applicable to "Both Actions," the parties shall submit to this Court the original paper for the Master File. No copies shall be submitted for each separate action. Upon receiving the original paper, the Clerk shall docket the paper to the Master File only. Docket entries shall not be made to each separate action.

If the caption shows that it is applicable to fewer than "Both Actions," the parties shall submit to this Court the original paper for the Master File and copies of such paper for the action to which it applies. Upon receiving the papers, the Clerk shall docket the original paper to the Master File and docket copies of such paper to the action to which it applies.

#### F. SCHEDULE

1. The time for (a) any party who has not yet responded to the Counterclaims of One Communications Corp. in Civil Action Number 07 Civ. 5440 to serve a response to those Counterclaims and for (b) any party to respond to the Counterclaims of Verizon New England, Inc. in Civil Action Numbers 07 Civ. 3905 and 07 Civ. 5440, shall be stayed through and until


sixty (60) calendar days after the date of the Court's Order resolving the pending Motions to Dismiss in Civil Action Number 07 Civ. 3905.

2. Opposition papers or other responses, if any, shall be filed and served, with a courtesy copy delivered for Chambers, ninety (90) calendar days after such responses and reply papers, if any, shall be filed and served, with a courtesy copy delivered for Chambers, thirty (30) calendar days thereafter.

3. Any initial pre-trial conferences heretofore scheduled in connection with the above-captioned matters are hereby adjourned sine die, and a joint initial pre-trial conference in connection with the now-consolidated matter shall be scheduled following the resolution of the pending Motion to Dismiss.

SO ORDERED.

Dated: New York, New York  
December 17, 2007

  
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LAURA TAYLOR SWAIN  
United States District Judge